Public Notice

US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200250387
Date: November 30, 2005
Comments Due: December 30, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a permit application submitted by the Utah Department of Transportation for the construction of the U.S. Highway 6 Safety and Capacity Improvements Project. The Federal Highway Administration (FHWA) is the lead federal agency for the project and it has completed a final Environmental Impact Statement (FEIS) for the project. The FEIS may be found at the following internet address: http://www.udot.utah.gov/US6/. The Corps of Engineers served as a cooperating agency to the NEPA process. As such, the FWHA consulted with the Corps through the process to ensure that the project purpose, alternatives analysis, and preferred alternative was compatible with Clean Water Act, Section 404 regulations. The preferred alternative of the FHWA is the four-lane alternative which would result in the permanent discharge of fill material into 7.63 acres of wetlands, 24,340.9 linear feet of intermittent/ephemeral washes, and 1.37 acres of perennial drainages. The preferred alternative would also result in the temporary discharge of fill material into approximately 3.68 acres of wetlands and 0.76 acres of perennial drainages. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at http://www.spk.usace.army.mil/regulatory.html.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and Section 401 for water quality certification.

APPLICANT: Mike Miles
Utah Department of Transportation
1345 South 350 West
Richfield, Utah 84701
435-893-4741

LOCATION: The project site is located along the existing US 6 corridor between I-15 near Spanish Fork, Utah and I-70 near Green River, Utah as indicated on the attached **Figure 1-1**. The project begins at Milepost 177.5 located in Section 27 of Township 8 South, Range 2 East. It ends at Milepost 300 located in Section 14 of Township 21 South and Range 15 East. The project area can be seen on the following USGS Topographic Quadrangles: Springville, Spanish Fork Peak, Billies Mountain, Thistle, Mill Fork, Tucker, Soldier Summit, Colton, Kyune, Standardville, Helper, Price, Wellington, Sunnyside Junction, Sunnyside, Cedar, Grassy, Woodside, Cliff, Desert, Jessie's Twist, and Green River.

PROJECT DESCRIPTION: U.S. Highway 6 is part of the national highway system and is a major east-west highway that serves an important statewide transportation function through Utah

by linking two major interstates, Interstate 15 (I-15) and Interstate 70 (I-70). US 6 is also an important link between the rural communities of central and southeastern Utah and the populous Wasatch Front. Parts of US 6 were constructed over 60 years ago and the highway does not meet current safety design standards. The increased travel demand on US 6 from population growth along the Wasatch Front has resulted in a decreased level of service (LOS) that does not meet American Association of State Highway and Transportation Officials (AASHTO) guidance for a highway of this type. The highway design along with the increased travel demand have resulted in higher-than-expected accident rates for a roadway of this type along portions of the highway and an average of 13 fatalities a year.

Based on the available information, the overall project purpose is to:

- Upgrade existing design elements to current design standards to improve safety as much as possible;
- Reduce fatal crossover accidents;
- Reduce traffic congestion by improving the level of service (LOS) to at least LOS C from I-15 to Helper and LOS B from Helper to I-70 (See section 1.3.2.1, Levels of Service, in the Final EIS for an explanation of level of service);
- Allow US 6 to efficiently function as part of the National Highway System by improving the highway so that it continues to adequately serve as the main highway for providing recreational, economic, and interurban and intraurban service for central and southeastern Utah; and,
- Improve the safety of and truck access to the Peerless port of entry.

The proposed action includes relocating the peerless port of entry at milepost (MP) 231 because the current location requires westbound trucks to cross the highway to enter and exit the facility and also because the port of entry is located at the bottom of a long, steep downgrade. The current port of entry cannot handle a large amount of two-way truck traffic, which causes trucks to back up onto US 6.

Aerial photos that depict a plan view of the project area may be viewed within the FEIS, Volume III Figures and Roadway Plans.

ADDITIONAL INFORMATION:

Environmental Setting. The FEIS provides a thorough description of the Affected Environment in Chapter 3 of the document. In summary, the US 6 Highway corridor extends from I-15 in Spanish Fork to I-70 near Green River, Utah. This area covers two distinct geographic regions. The area from I-15 to Helper (approximately 61 miles) exists in mountainous terrain and reaches an elevation of 7,477 feet at Soldier Summit. This segment is paralleled by a major railroad and various natural creeks and rivers within the confines of winding canyons. The area from Helper to I-70 consists of a rural/urban environment from Helper to Wellington (approximately 18 miles) and then mostly a high desert environment of rolling terrain south of Wellington to I-70 (48 miles).

FHWA contracted with two consulting groups for a delineation of waters of the U.S., including wetlands, within the project area. The area surveyed for waters of the U.S. is outlined within the attached **Maps 001-104**. Wetland Resources delineated waters of the U.S. between Mileposts

199.5 and 229.5. SWCA Environmental Consultants delineated waters of the U.S. between Mileposts 177 and 199.5, and between Mileposts 229.5 and 300. The attached **Table A-2** outlines by reach, the acreage and linear footage delineated of each type of water of the U.S. within the surveyed area. **Maps 001-104** also demonstrate the location and boundaries of the delineated waters of the U.S.

For a description of wetland function by reach and wetland type, please reference **Table 3.11-1** on page 3-60 of the FEIS.

Alternatives. FHWA carried forward three alternatives for detailed analysis within the Environmental Impact Statement. Those three alternatives are the No Action alternative, the Passing Lane Alternative, and the Four Lane Alternative. All three alternatives are outlined in detail in Chapter 2 of the EIS, however within this Public Notice, the Corps will briefly summarize the alternatives and the impacts of each to waters of the U.S.

No Action Alternative: The No Action alternative incorporates Transportation System Management (TSM) strategies, but does not result in any other improvements to US 6 between Spanish Fork and Green River, Utah. In this instance, TSM strategies include the implementation of Intelligent Transportation Systems (ITS), better signing and striping of passing lanes, intersection improvements, better signing of horizontal curves, and the addition of roadway barriers (either median or roadside).

Impacts to waters of the U.S. under the No Action alternative would be specific to impacts resulting from intersection improvements and would be authorized and mitigated on a project by project basis.

Passing Lane Alternative: The Passing Lane Alternative involves adding passing lanes at specific locations throughout the corridor. This alternative would also require the widening of US 6 where necessary to accommodate a center median. Median treatments would include a combination of cable barrier, beam guardrail, and concrete barrier. In addition, major design improvements along the corridor would include the following:

- Reconstruction of the existing intersection at the US 6 and US 89 Moark Junction (MP 178) as an interchange;

- Reconstruction of the existing intersection at the US 6 and US 89 Thistle junction (MP 187.5) as an interchange;

- Relocation of the Tucker rest area to either the north side of the road at MP 203.5 or to the east of Sky View on the north side of US 6 at MP 202.1. The relocation would allow UDOT to construct a new section of US 6 through the existing Tucker rest area in order to eliminate the existing curve that does not meet current design standards;

- Reconstruction of the existing intersection at the US 6 and SR 96 Scofield Junction (MP 216) as an interchange;

- Realignment of US 191 to the west at MP 230;

- Elimination of the intersection at Poplar Street in Helper (MP 233.5) and connection of a new frontage road system;

- Extension of SR 157 to connect to US 6 via an interchange (MP 235). Provide frontage road to Poplar Street, Consumer's Road, and North Carbonville Road. Elimination of intersection at Consumer's Road/North Carbonville Road and US 6;

- Improvement of the existing interchange at US 6 and SR 55 (MP 242.5) to meet current design standards; and,

- Improvement of the existing intersection of US 6 and SR 123 (Sunnyside Junction) to align with coal transfer road to the west. Provide appropriate acceleration and deceleration lanes (MP 256.5).

Finally, the Passing Lane alternative includes the relocation of the Peerless Port of Entry. Relocation of this facility would improve safety and truck access. There are two sites that FHWA is considering for its relocation: 1) Relocation of the Port of Entry to both the east and west sides of the highway (MP 239.5 and 234.8 respectively), and 2) Relocation of the Port of Entry at the Spring Glen interchange in south Helper (MP 234.5).

Implementation of the Passing Lane Alternative would result in the permanent discharge of fill material into 7.63 acres of wetlands, 18,441.7 linear feet of intermittent/ephemeral washes and 1.28 acres of perennial drainages. The Passing Lane Alternative would also result in the temporary discharge of fill material into 3.68 acres of wetlands and 0.52 acres of perennial drainages.

Relocation of the Peerless Port of Entry to Mileposts 239.5 and 234.8 would result in the permanent discharge of fill material into 0.14 acres of wetlands and the temporary discharge of fill material into 0.16 acres of wetlands. These impacts are included in the total permanent wetland acreage cited for the Passing Lane alternative (7.63 acres). Relocation of the port of entry to Milepost 234.5 would not require any permanent or temporary discharge of fill material into wetlands.

The attached **Table A-1** outlines the amount of wetland area impacted by wetland polygon. The wetland polygons can be cross-referenced with those illustrated in **Maps 001-104**. **Table A-2** outlines by reach and type of wetland, the total delineated area and the acreage/linear feet of wetlands and ephemeral/intermittent washes impacted by the Four Lane and Passing Lane alternatives. **Table A-3** outlines by reach the acreage of perennial drainages that will be impacted by each alternative.

Four Lane Alternative: Under the Four Lane alternative, UDOT would improve US 6 to a mostly four-lane highway between I-15 and I-70. The exception occurs in wetland areas. The four-lane section would vary from an open-median-divided cross-section in most of the eastern part of the project corridor (Wellington to I-70) to a barrier-divided cross-section in most of the western part of the project corridor (Spanish Fork to Wellington). The eastern and western typical sections could vary at specific locations depending on topography and existing

development. Median treatments would include a combination of cable barrier, beam guardrail, and concrete barrier. In addition, design modifications along the corridor would include the following:

- Reconstruction of the existing intersection at the US 6 and US 89 Moark Junction (MP 178) as an interchange;

- Reconstruction of the existing intersection at the US 6 and US 89 Thistle junction (MP 187.5) as an interchange;

- Construction of a 1,300 foot tunnel on the north side of US 6 to improve a curve that does not meet current design standards (MP 192.5, Red Narrows);

- Relocation of the Tucker rest area to either the north side of the road at MP 203.5 or to the east of Sky View on the north side of US 6 at MP 202.1. The relocation would allow UDOT to construct a new section of US 6 through the existing Tucker rest area in order to eliminate the existing curve that does not meet current design standards;

- Reconstruction of the existing intersection at the US 6 and SR 96 Scofield Junction (MP 216) as an interchange;

- Realignment of US 191 to the west at MP 230;

- Elimination of the intersection at Poplar Street in Helper (MP 233.5) and connection of a new frontage road system;

- Extension of SR 157 to connect to US 6 via an interchange (MP 235). Provide frontage road to Poplar Street, Consumer's Road, and North Carbonville Road. Elimination of intersection at Consumer's Road/North Carbonville Road and US 6;

- Improvement of the existing interchange at US 6 and SR 55 (MP 242.5) to meet current design standards; and,

- Improvement of the existing intersection of US 6 and SR 123 (Sunnyside Junction) to align with coal transfer road to the west. Provide appropriate acceleration and deceleration lanes (MP 256.5).

Finally, the Four Lane alternative includes the relocation of the Peerless Port of Entry. Relocation of this facility would improve safety and truck access. There are two sites that FHWA is considering for its relocation: 1) Relocation of the Port of Entry to both the east and west sides of the highway (MP 239.5 and 234.8 respectively), and 2) Relocation of the Port of Entry at the Spring Glen interchange in south Helper (MP 234.5).

Implementation of the Four Lane Alternative would result in the permanent discharge of fill material into 7.63 acres of wetlands, 24,340.9 linear feet of intermittent/ephemeral washes, and 1.37 acres of perennial drainages. The Four Lane Alternative would also result in the temporary discharge of fill material into 3.68 acres of wetlands and 0.76 acres of perennial drainages.

Relocation of the Peerless Port of Entry to Mileposts 239.5 and 234.8 would result in the permanent discharge of fill material into 0.14 acres of wetlands and the temporary discharge of fill material into 0.16 acres of wetlands. These impacts are included in the total permanent wetland acreage cited for the Four Lane alternative (7.63 acres). Relocation of the port of entry to Milepost 234.5 would not require any permanent or temporary discharge of fill material into wetlands.

The attached **Table A-1** outlines the amount of wetland area impacted by wetland polygon. The wetland polygons can be cross-referenced with those in Maps 001-104. **Table A-2** outlines by reach and type of wetland, the total delineated area and the acreage/linear feet of wetlands/non-wetland waters of the U.S. impacted by the Four Lane and Passing Lane alternatives. **Table A-3** outlines by reach the acreage of perennial drainages that will be impacted by each alternative.

The applicant's preferred alternative to meet the project purpose is the Four Lane Alternative, with the relocation of the Port of Entry to the Spring Glen interchange in south Helper (MP 234.5). Under this alternative, there would be two travel lanes in each direction for a total of four travel lanes through the entire length of the corridor, except for certain areas near wetlands where the Passing Lane configuration would be implemented to minimize or avoid wetland impacts. The Passing Lane alternative adds passing lanes at selected locations along the corridor.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

The applicant will mitigate for permanent wetland impacts at the following acreage-based ratios:

Wetland Creation constructed prior to realization of wetland impacts: 1.5:1
Wetland Creation constructed concurrent with realization of wetland impacts: 3:1
Wetland Restoration/Enhancement: 5:1
Wetland Preservation: 10:1

The applicant has identified five potential mitigation sites where wetland creation, restoration/enhancement, and/or preservation activities may occur. All wetland impacts realized on the west side of Soldier Summit will be mitigated on that side, and all impacts realized on the east side of Soldier Summit will be mitigated on that side. Wetland impacts realized at high elevation will be mitigated at similar elevations in order to ensure mitigation that addresses appropriate wetland type/habitat.

UDOT has identified five potential mitigation sites including: the Tucker Rest Area and the Spanish Fork River Park area on the west side of Soldier Summit, and the Elmo, Desert Lake Waterfowl Refuge and White River areas on the east side of Soldier Summit. Chapter 4 of the FEIS (pages 4-143 - 4-145) provides more detailed information regarding each proposed wetland mitigation site.

In order to mitigate for temporary impacts as a result of project construction, UDOT has proposed to minimize wetland impacts by implementing Best Management Practices (BMPs) such as construction and silt fencing to keep equipment and sediment from reaching wetlands. UDOT will furthermore document baseline vegetation conditions in areas where temporary impacts will occur in order to ensure restoration to pre-construction conditions. At the end of project construction, where wetland soil compaction has occurred, UDOT will rip the soils and reseed them with a native seed mix. Post-construction monitoring will occur within the year after mitigation measures are implemented. At the end of the monitoring period, temporary impact areas will be assessed for mitigation success and corrective actions will be taken if necessary. If the areas do not return to pre-construction conditions, the Corps will require additional compensatory mitigation.

For impacts to non-wetland waters of the U.S. caused by the installation and/or extension of culverts, UDOT has proposed to implement a series of mitigation measures to minimize impacts. UDOT will increase culvert size where necessary to pass 50-year flows, reduce velocities at the downstream end of culverts to minimize soil erosion, spread flow over wider areas where culverts outlet into alluvial fans, realign culverts to match existing channel where possible, increase the number of culverts to mimic natural drainage patterns, connect railroad culverts to US6 culverts in order to alleviate erosion problems in between the structures, use native woody vegetation for rip rap where possible, and provide scour and erosion protection where possible. At the Mudsprings Wetland Complex (MP 257.7) UDOT will install multiple culverts to distribute the flow over a wide area. At Soldier Creek (MP 204), UDOT will spread flow over a wider area at the outlet end of the culvert to mimic natural alluvial fan conditions.

Where a fishery resource exists, UDOT will apply three methods to design and construct culverts: the No-Slope Method, the Hydraulic Design Approach, and the Stream Simulation Method. The FEIS provides more detailed information regarding these methods on pages 4-114 and 4-115. For all fishery stream crossings, UDOT will implement/utilize culvert realignment to follow natural channel where possible, specific fish passage designs to prevent fish blockages, native woody vegetation for streambank stabilization, stilling basins to reduce velocities at upstream/downstream ends of culverts, and regular maintenance to free culverts of debris. At specific locations where culverts restrict fish passage, UDOT will consider replacing box culverts with bridges to maintain stream structure, channel stability, stream substrate, and fish habitat.

Prior to project implementation, UDOT will submit a Final Mitigation and Monitoring Plan in accordance with the 2004 Sacramento Mitigation Guidelines to the Corps for approval.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before **December 30**, **2005**.

HISTORIC PROPERTIES: As lead agency, FHWA conducted cultural, historic, and paleontological resources inventories and surveys to comply with federal and state guidelines. Before performing field surveys, qualified specialists conducted a literature review to identify known cultural resources, historic architectural properties, archaeological sites, paleontological resources, and traditional cultural properties in the study area. More detailed information regarding the inventory methodologies is described on page 3-108, within Volume I of the Final EIS.

A total of 61 architectural properties were identified within or directly adjacent to the US 6 project corridor. Of the 61 properties, 38 are considered eligible for the National Register of Historic Places (NRHP) under at least Criterion C for their architectural attributes. The locations of all properties (historic and non-historic) documented in the study area are shown in Appendix G, Cultural Resources in Volume II of the Final EIS. The preferred alternative of FHWA will adversely affect 3 NRHP-eligible properties. The preferred alternative will not adversely affect 8 properties, and will not effect 27 properties. The adverse effects have been considered and FHWA has agreed to mitigation measures documented within a Memorandum of Agreement (MOA). The MOA was executed in consultation with the State Historic Preservation office, the federal Advisory Council on Historic Preservation, affected agencies, and consulting parties identified under Section 106. It may be referenced in Appendix G of Volume II of the Final EIS.

ENDANGERED SPECIES: As lead agency, FHWA consulted with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the Endangered Species Act. In order to determine whether Threatened and Endangered species (TES) exist within the project area, FHWA contracted with SWCA Environmental Consultants to conduct surveys within the US 6 corridor between I-15 and I-70. The TES study area varies by species or species group. The surveys were conducted in the spring and summer of 2003. TES fish species were not surveyed but were assumed to be present in the TES study area in waters within their range of historic occurrence.

The USFWS concurred in the determination that the build alternatives "may affect, but are not likely to adversely affect" clay phacelia, Ute ladies'-tresses, bonytail chub, Colorado pikeminnow, humpback chub, and razorback sucker. It also concurred in the determination that the build alternatives will have "no effect" on the June sucker, bald eagle, western yellow-billed cuckoo, and black-footed ferret.

The USFWS and FHWA agreed to conduct additional surveys of known and suitable habitat for Ute ladies'-tresses and clay phacelia during the appropriate floristic season prior to construction. In addition, UDOT will implement Best Management Practices during construction to mitigate for surface water impacts.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All

factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200250387, must be submitted to the office listed below on or before **December 30, 2005**:

Amy Defreese, Senior Project Manager
US Army Corps of Engineers, Sacramento District
Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010-7744
Email: Amy.Defreese@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Amy Defreese, 801-295-8380, extension 13, Amy.Defreese@usace.army.mil.

Attachments:

Figure 1-1
Maps 001-104
Table A-1
Table A-2
Table A-3